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SIPDIS

SENSITIVE

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SUBJECT: APPEALS COURT DOES NOT RULE NATIONAL STRIKE ILLEGAL

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¶1. (SBU) The Federal Appeals Court in Abuja January 20 did not overturn the earlier court ruling allowing the Nigeria Labor Council (NLC) to initiate a general strike on January **¶21**. The Court dodged the issue of whether the strike would be legal, effectively leaving the earlier pro-strike ruling in place but not preventing GON action against the strikers. Instead of giving a legal ruling, the Court "advised" the government to drop its plans to implement a 1.5 Naira per liter tax on petroleum products and "advised" Labor to delay its strike pending further negotiations with the government.

¶2. (SBU) Labor leaders disappeared from the courtroom an hour before the decision not to overturn was handed down, on the advice of their attorneys, so they could not be found by the government for arrest or being served with papers from other courts. "We should not make it easy for the government to find them," one attorney said. The labor leaders and their attorneys have been meeting this afternoon to decide their next steps.

¶3. (U) The public takes the threat of a strike seriously, stocking up on food and gasoline, preparing to depart Abuja for their homes elsewhere "to be with families," or both, in case the strike starts tomorrow. While the atmosphere is tense with anticipation, no one seems to know which way this current skirmish will come out. Throughout the afternoon, government and independent radio reports continued giving conflicting pictures of the situation, GON figures saying the court ruled against the strike and others saying the court ruled against the tax. Neither happened in the court poloff witnessed, and in any case the NLC has said it was calling the strike not only over the tax but also to roll back gasoline prices to 34 Naira per liter (i.e. doing away with deregulation).

¶4. (SBU) COMMENT: As with many other issues in Nigeria, we will have to wait and see what results on January 21. The Embassy EAC has met to assess the situation, and post will proceed as planned the last time a strike was threatened last fall (septel).
Roberts